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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/699,194	10/30/2003	Louis Abdo		3477

7590

06/16/2006

INVENTARIUM
4050 Rosemont blvd, 1607
Montreal, H1X 1M4
CANADA

EXAMINER

LAUX, JESSICA L

ART UNIT

PAPER NUMBER

3635

DATE MAILED: 06/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/699,194	Applicant(s) ABDO, LOUIS	
	Examiner Jessica Laux	Art Unit 3635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) 4,5 and 8-16 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,6 and 7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 October 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10/30/2003</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Applicant's election of species I in the reply filed on 05/30/2006 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Claims 4-5 and 8-16 are withdrawn from further consideration by the examiner pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 05/30/2006.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the complementary notches as in claim 2 and recited in the specification on page 7, line 14 as element 44, must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet,

and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

Claim 3 is objected to because of the following informalities: line 22 ends in a period. Appropriate correction is required.

Claim 2 recites the limitation that the third element has a complementary notch. It is unclear what is meant by the limitation "complementary notch". For the purposes of this examination it will be interpreted to mean the notch is on element 3.

Claim 7 is objected to because it recites the limitation "inserted into said channels". It is unclear to which channels the claim is referring, as there are channels in both elements 2 and 3.

Claims 1-3 and 6-7 are objected to because the preamble recites a versatile panel and the claims require mechanical fasteners to be used in combination with the profiles. Examiner suggests changing the preamble to recite a versatile panel assembly, as the claims further require mechanical fasteners, which are separate from a panel.

Claim Rejections - 35 USC § 112

Claim 6 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 6 depends from claim 4 and recites the use of "a pane of glass instead of fascia"; claim 4 requires the use of a first and second fascia. Claim 6 is improper because it cannot omit essential structure from a claim from which it depends. As claim 4 is drawn to a non-elected invention (species II, having a first and second fascia) that has been withdrawn from consideration by the examiner, the examiner will interpret claim 6 to depend from claim 3 for the purposes of examination.

Also it is unclear in claim 6 what is meant by "on either sides". For the purposes of this examination the examiner interprets that to mean that the first elements can be on one or both sides of the pane of glass.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Reference the attached marked up copy of the drawings with regards to the rejections below.

Claims 1-3 and 6-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Farrar et al (20020062609)

In regards to claim 1: Farrar discloses a versatile panel with internal extruded profiles comprising: base elements (12, 20, 32, 44); said base elements used in combination to create profiles (10); said profiles having slits and slots (30). It should be noted that the recitation "used in combination with threaded mechanical fasteners" is an intended use statement and as such is not given patentable weight in an apparatus claim. However element 30 is threaded and is therefore capable of being used with threaded fasteners, so the claimed limitations are met.

In regards to claim 2: A versatile panel with internal extruded profiles as in claim 1 wherein: said base elements comprised of a first (W), second (X), third (Y), and fourth (Z) element wherein a first element has a flat surface (A) and a pair of hooks (B); a second element has an edge (C), channels (D), and a profile fin (E); a third element has a hookable groove (F), a complementary notch (K), channels (G) and clips (H); a fourth element has a little hook (I), and a trim face (J).

In regards to claim 3: Farrar discloses a versatile panel with internal extruded profiles comprising: base elements (12, 20, 32, 44); said base elements used in combination to create profiles (10); said profiles having slits and slots (30) (it should be noted that the recitation "used in combination with threaded mechanical fasteners" is an intended use statement and as such is not given patentable weight in an apparatus claim. However element 30 is threaded and is therefore capable of being used with threaded fasteners, so the claimed limitations are met); said base elements comprised

of a first (W), second (X), third (Y), and fourth (Z) element wherein a first element has a flat surface (A) and a pair of hooks (B); a second element has an edge (C), channels (D), and a profile fin (E); a third element has a hookable groove (F), channels (G) and clips (H); a fourth element has a little hook (I), and a trim face (J).

In regards to claim 6: A versatile panel with internal extruded profiles as in claim 3 wherein; a profile using a pane of glass (14) has said first element on either side (Figure 5) acting as a framing device, over a profile using a combination of said second and third elements; a seal (42) inserted into said third element to interface between said pane of glass and said third element (Figure 5).

Claim Rejections - 35 USC § 103

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Farrar et al (20020062609).

In regards to claim 7: Farrar discloses a versatile panel as in claims 1-3 and 6 above, but does not disclose expressly that there are sealing gaskets disposed in the channels. At the time the invention was made, it would have been an obvious matter of design choice to a person of ordinary skill in the art to have sealing gaskets because applicant has not disclosed that the sealing gaskets provide an advantage, are used for a particular purpose, or solve a stated problem. Furthermore it is known and common to have sealing gaskets in a framing device with a glass pane to provide a good seal and make it weather resistant, so it would have been obvious to one of ordinary skill in the art to have sealing gaskets.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jessica Laux whose telephone number is 571-272-8228. The examiner can normally be reached on Monday thru Friday, 8:30am to 4:00pm (est).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman can be reached on 571-272-6842. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



JL
06/06/06



N. Slack
Primary

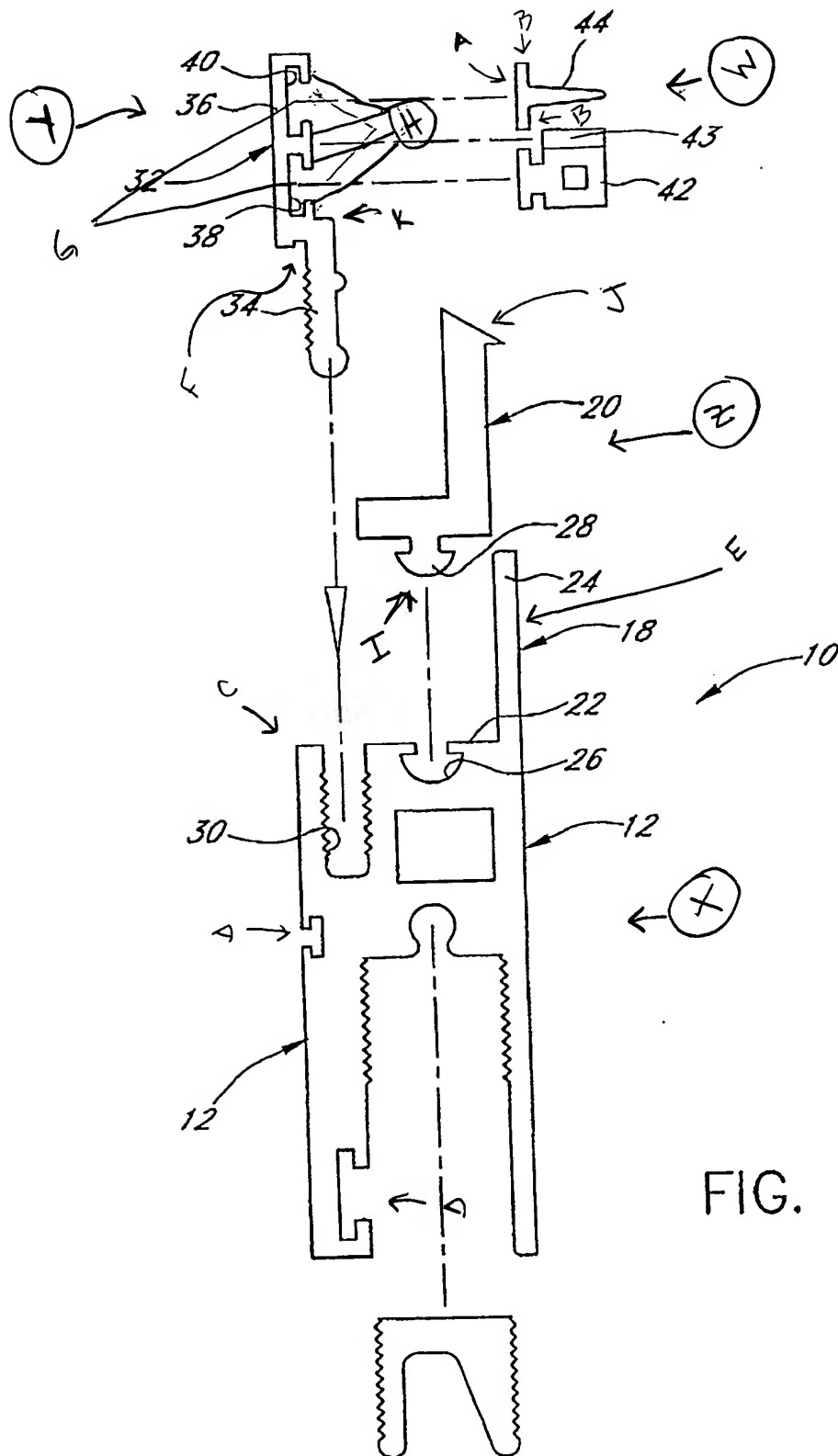


FIG. 3